

REMARKS

Claims 1, 5, 8, 12, 13 and 16 are amended herein. Claims 1-8, 10-13, 15-16 and 18-19 are pending and under consideration.

The rejections under 35 U.S.C. § 103 are now discussed. Independent claim 1 (used as an example) recites the classifying comprising comparing the length of the defect with first and second times determined according to a recording speed of the optical disc. In contrast, time T1 of Takasago is determined according to the time necessary to cause off track due to abnormality in the optical disc apparatus, and time T2 is determined according to the time necessary to cause off track due to a defect on an optical disc. Independent claims 8, 12-13 and 16 recite similar features. Independent claim 5 recites the classifying comprising comparing the length of the defective region with first and second times determined according to a specification of the servo unit. As discussed above, T1 and T2 of Takasago do not correspond to this feature.

The remaining references do not overcome these deficiencies.

Accordingly, withdrawal of the rejections is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

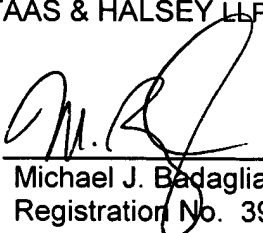
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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